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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

ALBERT LEO SCHMIDT

For: ENERGY EFFICIENT SHOWERHEAD

Application No. 10/685,274

Art Unit: 3752

Filed: October 14, 2003

Examiner:

Honorable Commissioner of Patents and Trademarks  
Washington, D. C. 20231

AMENDMENT

Sir:

This is to respond to the FORMALITIES LETTER, CONFIRMATION NO. 4663, entitled NOTICE TO FILE CORRECTED APPLICATION PAPERS dated June 03, 2004, to return herewith a copy thereof, and to provide Items Required to Avoid Abandonment as requested thereby.

Applicant submits herewith the following items:

Three (3) sheets of formal drawing containing eleven (11) figures. The drawing sheets provide the appropriate margins required by 37 CFR 1.84(g). Further the sheets of drawing are free from erasures, alterations, overwriting, interlineations, folds and copy marks.

Applicant respectfully contends all items submitted herewith provide the noted missing and/or corrected parts so that this case might proceed to an examination on the merits.

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Applicant would point out to the Initial Patent Examination Division that on October 14, 2003, the date of filing the instant divisional application, a Preliminary Amendment was filed that included, " .. a new set of three (3) sheets of formal drawing that have been corrected to correspond to those accepted for printing in parent application 10/050,365."

On July 27, 2004, Applicant's attorney had a telecon with Ms. Elisha Evans in an attempt to straighten out this matter. Ms. Evans promised to look into the situation and call him back the next day. She refused to give him her direct number. She never called back. On July 30, 2004, my attorney talked to "William", who transferred him to Ms. Evan's extension and got her voice mail and left a message. She has not returned his call. Also, the attorney dialed the Division's number (703) 308-1202 and left a message explaining his problem. No one has returned his call. As a consequence, Applicant has been required to file duplicate formal sheets of drawing because the Initial Patent Examination Division failed to fulfill its responsibility to review properly all of the documents submitted with the initial filing of this case.

In addition, a Petition to Make Special was filed herein on December 15, 2003. No action has been taken in connection therewith.

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As a result, because of the Division's inept handling of this case, a great deal of time has been lost in obtaining an Examiner's action on the merits, not to mention the extra expense in responding to an unnecessary action issued by the Initial Patent Examination Division.

If it is desired to discuss the matters at hand with Applicant's Attorney, he may be reached at 847/272-3182, 847/272-3176, FAX 847/272-5424, or e-mail, RABROWN@AOL.COM

Respectfully submitted,

ALBERT LEO SCHMIDT

By Robert A. Brown

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Date: August 2, 2004

EXPRESS MAIL ER 487371808 US

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231, on 8-2-04

Robert A. Brown, Reg. No. 26,149

RABrown 8-2-04